UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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NEXT PROTEINS, INC.
Plaintiff(s), **ORDER**

-against CV 09-4534 (DRH)(ETB)
DISTINCT BEVERAGES, INC., ET AL
Defendant(s),
---X

The above-captioned case has been referred to E. Thomas Boyle, Magistrate Judge, for purposes of scheduling discovery, resolution of discovery disputes, settlement conferences and any other purposes set forth at 28 U.S.C. § 636(b)(1)(A).

An initial scheduling conference will be held in this case at 10:00 a.m. on March 12, 2010 before Judge Boyle, in Courtroom 830, Alfonse M. D'Amato U.S. Courthouse, Central Islip, New York. All counsel must be present unless excused by the court. Counsel for plaintiff(s) is obligated to serve a copy of this order on each defendant.

COUNSEL FOR PLAINTIFF(S) OR PLAINTIFF PRO SE IS OBLIGATED TO SERVE A COPY OF THIS ORDER ON EACH DEFENDANT.

1. Planning Meeting and Automatic Disclosure - Rule 26(f) and (a)(1), Fed. R. Civ. P.

The parties are required to comply with the automatic disclosure rules contained at Rule 26(a)(1) of the Federal Rules of Civil Procedure. The parties are directed to provide the required information within fourteen (14) days after the planning meeting of the parties, as required by Rule 26(f) of the Federal Rules of Civil Procedure. This planning meeting should occur as soon as practicable, but no later than twenty-one (21) days before the initial scheduling conference.

2. File a Proposed Discovery Plan - Rule 26(f), Fed. R. Civ. P.

A proposed discovery plan should be filed with the Court within fourteen (14) days after the planning meeting.

The proposed discovery order should include the following:

1. Deadline for motions to amend pleadings including joinder of additional parties.
2. Date for service of initial document production demands and interrogatory requests with responses served within thirty (30) days.
3. Deadline for seeking approval to file any motion for summary judgment.
4. Date for the submission of the pre-trial order.
5. The discovery completion date.
6. Any agreement between the parties relating to the disclosure and discovery of electronically stored information ("ESI"), including the form(s) in which it is to be produced.
7. Any agreement between the parties relating to claims of privilege, including the procedure to follow for returning inadvertently produced materials.

3. Court Intervention

The parties are advised that discovery demands must be served at least forty-five (45) days in advance of the discovery completion date to support a request for court intervention. Any motion for court intervention relating to discovery must be filed at least thirty (30) days prior to discovery completion.

4. Modification of a Scheduling Order

Any request for modification of a scheduling order must be filed and served prior to the discovery completion date. A scheduling order will be modified by the Court only upon a showing of good cause. Fed. R. Civ. P. 16(b). Extensions -- not exceeding a total of 120 days-- shall be granted based upon good cause. Any further modification shall only be granted upon a showing of manifest injustice. Fed. R. Civ. P. 16(e).

5. Request for a Conference

Any request for a conference with the Court shall be in writing and shall set forth the reason for the request and at least two (2) dates on which all parties are available.

Individual Practices

The individual rules of the Court can be found in the New York Law Journal (www.nylj.com), at the Eastern District of New York web site at "www.nyed.uscourts.gov" or copies may be obtained from the Clerk's Office of the Eastern District of New York.

ELECTRONIC CASE FILING (ECF) - All documents filed with the court shall be filed electronically, in compliance with Administrative Order 2004-08, dated June 22, 2004.

SO ORDERED:

Dated: Central Islip, New York
November 6, 2009

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge